IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 123 (SS) 2007

1. Village Panchayat Adhikari Association through,
   Sri P.C. Paneru, Presently Posted as
   Village Panchayatd Raj Adhikari, Bazpur,
   District U.S.Nagar,
2. P.C.Paneru S/o L.M. Paneru,
   Presently Posted as
   Village Panchayatd Raj Adhikari, Tehsil Bazpur,
   District Udham Singh Nagar,

.....Petitioner.

Versus

1. State of Uttarakhand through its Secretary,
   Panchayat Raj Secretariat, Dehradun, Uttarakhand,
2. Director Panchayati Raj, through State of Uttarakhand,
   Directorate, Dehradun, Uttarakhand,
3. State of Uttarakhand through
   District Panchayat Raj Adhikari, Uttarakhand,

.....Respondents.

Sri I.D. Paliwal, learned counsel for the petitioner,
Sri Subhash Upadhyay, learned Standing Counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri I.D. Paliwal, learned counsel for the petitioner and Sri Subhash Upadhyay, learned Standing Counsel for the State/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

a. To issue a writ, order of direction in the nature of mandamus directing the respondents to implement the government order dated 5th September 2006, by which the pay scale was upgraded/revised from 6,500-10,000 to 8000-13,500 to the extent of petitioners (annexure no.1),

b. To issue a writ, order or direction in the nature of mandamus direction the respondents to release the arrears of upgraded/revised salary in favour of the petitioners from 5th of September 2006 to onwards,

c. Any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

d. Award the cost of the writ petition.

It is submitted on behalf of the petitioner no. 2 that he was appointed as Village Panchayat Raj Adhikari with the respondents' establishment in the pay scale of Rs. 950-1,500. Next promotional post of Village Panchayat Raj Officer is the post of Assistant Development Officer Panchayati Raj and in the next step the post of District Panchayat Raj Adhikari is the promotional post available with the Department.

Vide order dated 07.01.2007 passed by the District Panchayat Raj Officer, Udham Singh Nagar, in pursuance of the Govt. Order no. 1914/01-Finance/2001 dated 12.03.2001 and Govt. Order dated 2nd December 2001, the petitioner no. 2, after completion of 24 years' satisfactory service, was first granted pay scale of Assistant Development Officer, Panchayat and thereafter the pay scale of District Panchayat Raj Officer which is Rs. 6,500-200-10,500. Submission of the petitioner no. 2 is that the pay scale of the District Panchayat Raj Officer has been upgraded from 6,500-10,000 to 8,000-13,500 vide order dated 5th September 2006, therefore he may also be provided upgraded pay scale of District Panchayat Raj Officer. The Director, Directorate Panchayat Raj, Uttarakhand, Dehradun has also recommended the case of the petitioner no. 2 to the Government for providing him pay scale of Rs. 8,000-13,500

vide its letter dated 19th December 2006. This letter is annexed as annexure no. 2 to the impleadment application filed by the petitioner today.

It is contended by the learned counsel for the petitioner that the respondent no. 1 may be directed to take decision on the recommendations made by the Director, Panchayat Raj on 19th December 2006 within a period prescribed by the Court. The prayer is innocuous.

Since the petitioner no. 2 is already getting the pay scale, which was earlier prescribed for the post of District Panchayat Raj Officer in pursuance of the Govt. Order and now the pay-scale of District Panchayat Raj Officer has already been upgraded, the claim of the petitioner no. 2 seems to the genuine.

In the circumstances, I direct the respondent no. 1 to take decision on the recommendations of the Director, Panchayat Raj, dated 19th December 2006 within a period of six weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

February 28, 2007:
NCM: